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10/685,990	10/14/2003	Carlos A. Bonilla	200309108-1	7122 .

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
LAU, TUNG S

ART UNIT	PAPER NUMBER
2863	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007 .	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/685,990	BONILLA, CARLOS A.
	Examiner	Art Unit
	Tung S. Lau	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10/14/2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 1-7 and 14-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over by Allison et al. (U.S. Patent 6,094,531) in view of Meyer et al.

(U.S. Patent 6,317,845).

Regarding claim 1:

Allison describes a computer implemented (fig. 2, unit 5, 1, 4) method of

automatic software testing (abstract) comprising: storing status information of a

software test running on a test system to a common information point (fig. 2, unit

17, 1); wherein said common information point is physically separate (fig. 2, unit

17, 1) and communicatively coupled to a test master computer system (fig. 2, unit

1) for monitoring progress of said test system (col. 12, lines 40-45, installer

knows when test machine finish test so next test list can be send); automatically

reinstalling an operating system on said test (abstract); querying said common

information point to determine said status information (fig. 3, 4); and resuming

said software test (fig. 4, unit 58), after installation of said operating system (col.

4, lines 55-56).

Allison does not describes reinstallation of operating system, Meyer describes

reinstallation of operating system (col. 5, lines 17-21), in order to avoid any

persistent abnormal condition of the target computer system (col. 5, lines 17-21).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Allison to have the reinstallation of operating

system taught by Meyer in order to avoid any persistent abnormal condition of
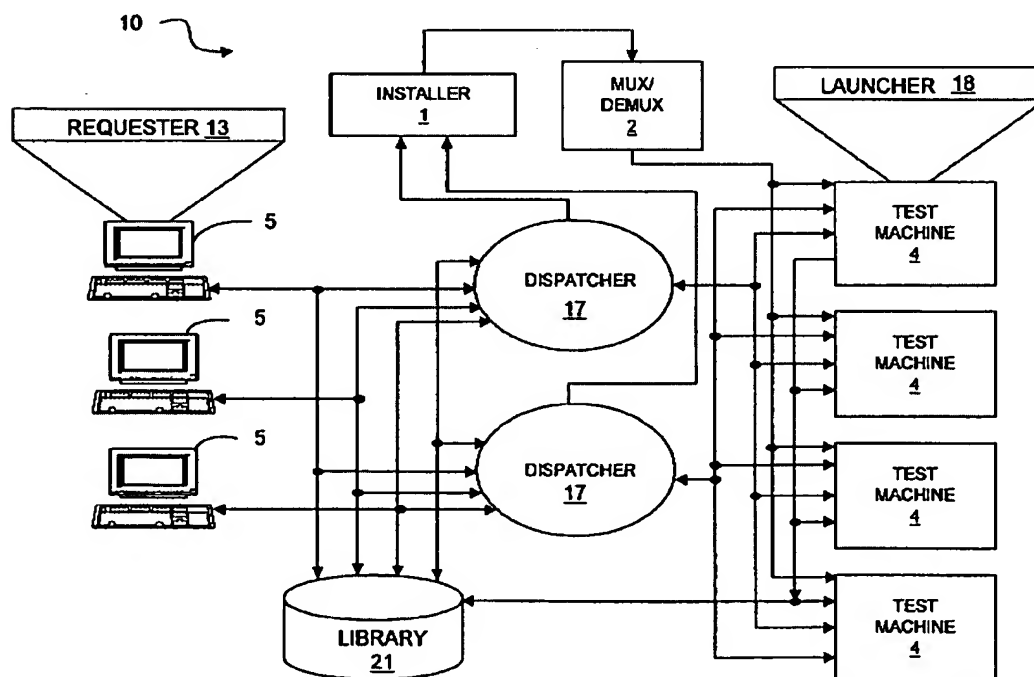
the target computer system.

FIG. 2

Regarding claim 14:

Allison describes a computer system (fig. 2) for automatic software testing

comprising: a test master computer system (fig. 2, unit 1, 17); a plurality of test

computer systems (fig. 2, unit 4) communicatively coupled to said test master

computer system (fig. 2, unit 1, 5, 17); a common information point

communicatively (fig. 2, unit 17) coupled to said test master computer system

(fig. 2, unit 1, 5) and to said plurality of test computer systems (fig. 2, unit 4);

Wherein said common information point is physically separate from said test

master computer system (fig. 2, unit 17); said test master computer system for

installing a test driver on each of said plurality of test computer systems (fig. 2,

unit 1, 5, 4); at least one of said plurality of test computer systems for storing

status information of a software test (fig. 2, unit 17, 1) running on said at least

one of said plurality of test computer systems (fig. 2, unit 1, 5) to said common

information automatically reinstalling an operating system (abstract) on said at

least one of said plurality of test computer systems (fig. 2, unit 4); querying said

common information point to determine said status information (fig. 3, 40),

wherein said test master computer system monitors said software test (col. 12,

lines 40-45, installer knows when test machine finish test so next test list can be

send); and resuming said software test (fig. 4, unit 58) after said automatically

installing of said operating system (col. 4, lines 55-56).

Allison does not describes reinstallation of operating system, Meyer describes

reinstallation of operating system (col. 5, lines 17-21), in order to avoid any

persistent abnormal condition of the target computer system (col. 5, lines 17-21).

It would have been obvious to one of ordinary skill in the art at the time the

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system taught by Meyer in order to avoid any persistent abnormal condition of
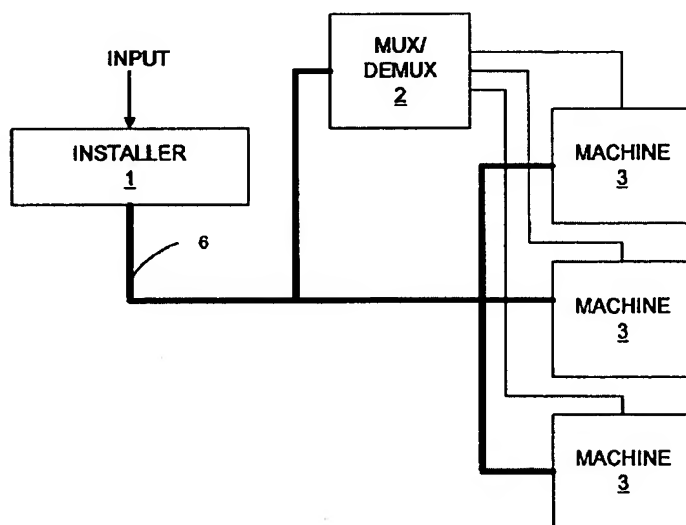
the target computer system.

FIG. 1

Regarding claim 2, Allison further describes common information point is (fig. 2,

unit 17) on a computer system independent from a computer system running said
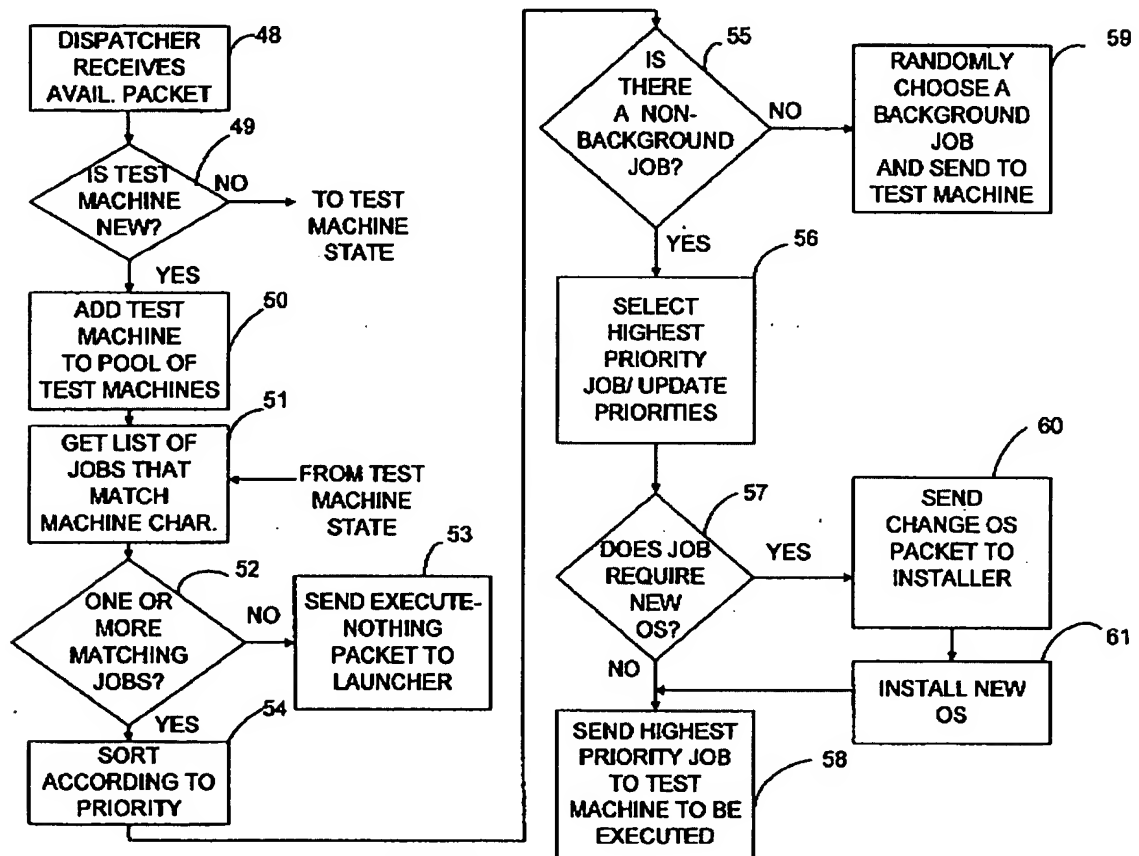
software test (fig. 2, unit 17).

Regarding claim 3, Allison further describes reinitializing under software control

(abstract).

Regarding claims 4, 17, Allison further describes startup automatic process

initial by operating system (abstract, startup by ROM, and testing is automatic).

Regarding claim 5, Allison further describes identification of test portion completed (fig. 3, unit 36-39);

Regarding claim 6, Allison further describes resuming restarts points said software test at point subsequent to a least test portion completed (fig. 4, unit 48-51).

Regarding claims 7, 20, Allison further describes test system running a different operating system reinstalling (Col. 1, Lines 52-60).

FIG. 4

Regarding claim 15, Allison further describes master computer is distinct from test computer system (Col. 1, Lines 52-60, have different OS).

Regarding claim 16, Allison further describes reinitializing under software control (Col. 6, Lines 23-33).

Regarding claim 18, Allison further describes status information portion of test completed (fig. 4, unit 50-51, Col. 10-11, Lines 61-5).

Regarding claim 19, Allison further describes resuming restarts to last portion completed (fig. 4, unit 50-51, Col. 10-11, Lines 61-5).

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. I , 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Allison and Meyer are analogous art because they are from the same field of endeavor, computer testing.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Allison

et al. (U.S. Patent 6,094,531, Date of Patent Jul. 25, 2000).

Regarding claim 8:

Allison describes a computer implemented method of automatic software testing

(FIG. 3, 4) comprising: installing test driver software on a plurality of test systems

(Col. 4, Lines 10-23, specially the hardware + software configuration of a test

machines); providing a mapping of a plurality of virtual test system names to real

test system names to said test driver software (Col. 2, Lines 61-67, Col. 3, Lines

13-17, specially hardware and software list of the dispatcher including software

driver to hardware to work correctly in a computer/machine); and using common

information point (fig. 2, unit 17), and a test master computer system (fig. 2, unit

1, 5) to gather and to monitor (col. 12, lines 40-45, installer knows when test

machine finish test so next test list can be send) test result from said plurality of

test system (fig. 4, 5), wherein said common information point (fig. 2, unit 17) is

physically separate and communicatively coupled to said test master computer

system (fig. 2, unit 1, 13, abstract, using network connection such as internet).

Regarding claim 9, Allison further describes common point to run the test (fig. 2,

unit 17, 1).

Regarding claim 10, Allison further describes result are gathered common point

(Col. 10-11, Lines 61-5, information is updated).

Regarding claim 11, Allison further describes mapping resides on common pint
of information (Col. 10-11, Lines 61-5, information is updated).

Regarding claim 12, Allison further describes discloses common point of
information is a network file system mount point common on all test system (fig.
2, unit 17, 1, using network such as internet).

Regarding claim 13, Allison further describes start up a process automatically
installed by the OS (abstract, fig. 4, unit 61).

Response to Arguments

3. Applicant's arguments with respect to the amended claims have been considered
but are moot in view of the new ground(s) of rejection. However, applicant's
arguments filed 03/12/2007 have been fully considered but they are not
persuasive.

A. The Applicant comment is noted by the examiner (remarks page 5,
lines 1-26)

REMARKS

The claims remaining in the present application are Claims 1-20. The Examiner is thanked for performing a thorough search. Claims 1, 8 and 14 have been amended. No new matter has been added. Support for the amendments can be found in the instant application, serial no. 10/685,990, among other places at Col. 11 line 23 to Col. 12 line 12, page 9 line 9, in the summary of invention. Col. 11 line 23 to Col. 12 line 8 states,

> The test master accesses a list of real test systems that are available and provides mapping of virtual systems to real systems that meet those X and Y requirements. The test master installs a test driver on each system.

> A test driver queries the common information point to determine what if any, tests to run. The test driver then downloads and runs the test. Test actions are typically defined by scripts. When a test driver completes a step, or a test portion, it notifies the common information point that it has completed that step. A synchronization requirement can cause a test driver to query common information point for notification that other test processes have completed particular steps.

> The test master monitors the progress of all tests...a step of a test can indicate that the test system needs to reinstall itself and/or reinitialize an operating system...

> Page 9 line 9 states, "The test master process 'watches over' or monitors the progress of the test."

The summary of invention from line 14 to line 17 on page 4 states,

> The operating system may be changed. The common information point is queried to determine the status information and the software test is resumed. The testing may be resumed at a point immediately after a last completed test operation.

B. As Regards to remarks page 5-6, lines 27-16:

CLAIM REJECTIONS
35 U.S.C. §102

__Claims 1-20__

Claims 1-20 are rejected under 35 U.S.C. §102() as being anticipated by U.S. Patent No. 6,094,531 by Allison et al. (referred to hereinafter as "Allison"). Applicant respectfully submits that embodiments of the present invention are neither taught nor suggested by Allison.

Amended independent Claim 1 recites,

A computer implemented method of automatic software testing comprising:

storing status information of a software test running on a test system to a common information point, wherein said common information point is physically separate and communicatively coupled to a test master computer system for monitoring progress of said test system;
automatically reinstalling an operating system on said test system;
querying said common information point to determine said status information; and
resuming said software test after said reinstallation of said operating system.

Applicant respectfully submits that Allison does not teach or suggest, among other things, "storing status information of a software test running on a test system to a common information point, wherein said common information point is physically separate and communicatively coupled to a test master computer system for monitoring progress of said test system;... querying said common information point to determine said status information; and resuming said software test after said reinstallation of said operating system," (emphasis added) as recited by Claim 1.

Allison describes a computer implemented (fig. 2, unit 5, 1, 4) method of automatic software testing (abstract) comprising: storing status information of a software test running on a test system to a common information point (fig. 2, unit 17, 1); wherein said common information point is physically separate (fig. 2, unit 17, 1) and communicatively coupled to a test master computer system (fig. 2, unit 1) for monitoring progress of said test system (col. 12, lines 40-45, installer

knows when test machine finish test so next test list can be send); automatically

reinstalling an operating system on said test (abstract); querying said common

information point to determine said status information (fig. 3, 4); and resuming

said software test (fig. 4, unit 58), after installation of said operating system (col.

4, lines 55-56).

Allison does not describes reinstallation of operating system, Meyer describes

reinstallation of operating system (col. 5, lines 17-21), in order to avoid any

persistent abnormal condition of the target computer system (col. 5, lines 17-21).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Allison to have the reinstallation of operating

system taught by Meyer in order to avoid any persistent abnormal condition of

the target computer system.

C. The examiner is noted the cases law cited by the applicant

(remarks page 6, lines 17-24):

> According to the Federal Circuit, "[a]nticpation requires the disclosure in a
> single prior art reference of each claim under consideration" (W.L. Gore & Assocs. v.
> Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)). However, it is
> not sufficient that the reference recite all the claimed elements. As stated by the
> Federal Circuit, the prior art reference must disclose each element of the claimed
> invention "arranged as in the claims" (emphasis added; Lindermann
> Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ
> 481, 485 (Fed. Cir. 1984)).

D. The examiner is noted the analysis of the prior art by the applicant

(remarks page 6-7, lines 25-2):

>   Allison teaches a method of testing software. Referring to Col. 6 line 60 to
> Col. 7 line 24, Allison teaches that a user requests that a test be performed.
> Dispatchers 17 in conjunction with launchers 18 determine which test machines are
> capable of performing the job by sending packets back and forth between each
> other. Col. 7 lines 17-18 teach that the jobs are prioritized and executed on
> available test machines 4. Col. 7 lines 25-37 teach that if no test machines 4 are
> capable of performing the job, the dispatcher will determine which test machines 4
> are allowed to have operating systems installed on them. Col. 7 lines 65 to Col. 8
> line 2 teach the test machine is prepared and once the test machine 4 has
> completed the test, the launcher 8 forwards the results of the test to the dispatcher
> which then notifies the user. Col. 8 lines 7-13 state that <u>preferably</u> communication
> between the components and the users is accomplished over the Internet using
> TCP/IP and packets.

E. As Regards to remarks page 7, lines 3-10:

>   Since Allison teaches that communication between the components is
> <u>preferably</u> accomplished over the Internet using TCP/IP and packets, Allison
> <u>teaches away from</u> "a common information point." Further, the use of packets and
> TCP/IP is the only embodiment that Allison describes for communicating between
> his components. Therefore, Allison cannot teach or suggest, "<u>storing status</u>
> <u>information of a software test running on a test system to a common information</u>
> <u>point</u>, wherein said common information point is physically separate and
> communicatively coupled to <u>a test master computer system</u>," as recited by Claim 1.

Regarding 'Allison teaches away from "a common information point.'"

Allison describes a common information point in fig. 2, unit 17, 1.

Reminds the applicant a prior art reference must be considered in its entirety,

i.e., as a whole, including portions that would lead away from the claimed

invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220

USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) (Claims were

directed to a process of producing a porous article by expanding shaped,

unsintered, highly crystalline poly(tetrafluoroethylene) (PTFE) by stretching said

PTFE at a 10% per second rate to more than five times the original length.

The prior art teachings with regard to unsintered PTFE indicated the material

does not respond to conventional plastics processing, and the material should be

stretched slowly. A reference teaching rapid stretching of conventional plastic

polypropylene with reduced crystallinity combined with a reference teaching

stretching unsintered PTFE would not suggest rapid stretching of highly

crystalline PTFE, in light of the disclosures in the art that teach away from the

invention, i.e., that the conventional polypropylene should have reduced

crystallinity before stretching, and that PTFE should be stretched slowly.).

> However, "the prior art's mere disclosure of more than one alternative does not

constitute a teaching away from any of these alternatives because such

disclosure does not criticize, discredit, or otherwise discourage the solution

claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir.

2004).< See MPEP 2141.02 [R-3] (VI). In this case the use of "a common

information point" not criticize, discredit, or otherwise discourage the solution

claimed.

Regarding Allison does not teach "storing status information of a software test

running on a test system to a common information point, wherein said common

information point is physically separate and communicatively coupled to a test
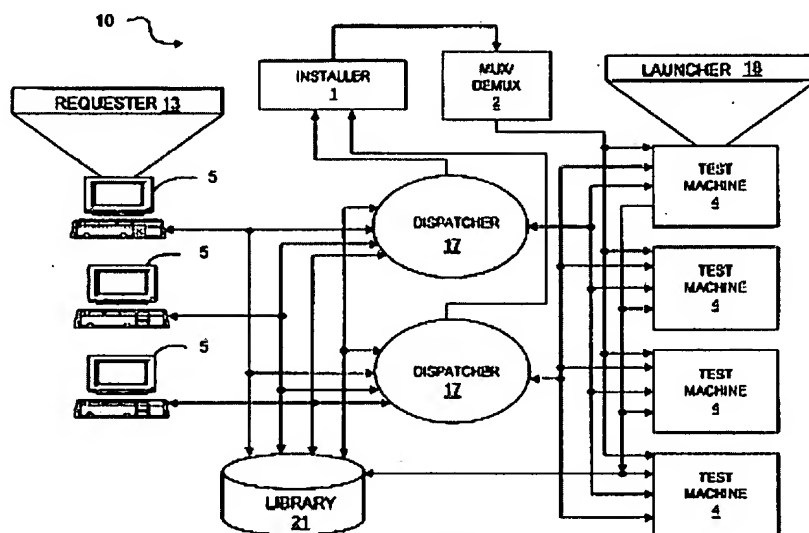
master computer system,"

Allison describes storing status information of a software test running on a test

system to a common information point (fig. 2, unit 17, 1); wherein said common

information point is physically separate (fig. 2, unit 17, 1) and communicatively

coupled to a test master computer system (fig. 2, unit 1).

Reminds the applicant while the meaning of claims of issued patents are

interpreted in light of the specification, prosecution history, prior art and other

claims, this is not the mode of claim interpretation to be applied during

examination. During examination, the claims must be interpreted as broadly as

their terms reasonably allowed. Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See

In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

F. As Regards to remarks page 7, lines 11-17:

> The Office Action states "wherein said common information point is
> physically separate (fig. 2, unit 17, 1) and communicatively coupled to a test master
> computer system (fig. 2, unit 17, 1)" However, element 1 is the installer and element
> 17 is the dispatcher neither of which provide a common information point. Further
> as already stated, Allison teaches that communications are preferably performed
> over the Internet using TCP/IP and packets, which teaches away from a common
> information point.

the above reference does not really stated Allison does not discloses ..., from the

argument above the examiner assume that is the purpose.

Allison describes ' wherein said common information point is physically separate

(fig. 2, unit 17, 1, col. 2, lines 65) and communicatively coupled to a test master

computer system (fig. 2, unit 17, 1)".

FIG. 2

Unit 17 looks like common information point is physically separate (using

internet, col. 2, lines 65) and communicatively coupled to a test master computer

system.

G. As Regards to remarks page 7, lines 18-23:

Further, Allison teaches that the users evaluate the test results rather than "a
.test master computer system monitoring progress of said test system." For
example, among other places, Allison states at Col. 8 lines 3-6 state, "The user then
obtains the test results from the dispatcher 17...the user will obtain the test results
from that database..." Further, the user obtaining the test results is the only
embodiment Allison describes for evaluating the test results.

Allison describes a test master computer system (fig. 2, unit 1) monitoring

progress of said test system (col. 12, lines 40-45, installer knows when test

machine finish test so next test list can be send).

H. As Regards to remarks page 7, lines 24-32:

The Office Action states "wherein said common information point is physically
separate (fig. 2, unit 17, 1) and communicatively coupled to a test master computer
system (fig. 2, unit 17, 1)," which seems to imply that Allison's launcher and/or
dispatcher teach Claim 1's a test master computer system. However, Allison does
not teach a common information point, therefore Allison cannot teach a test master
computer system that is physically separate and communicatively coupled to a
common information point. Further, as already described herein no where does
Allison teach that either the dispatcher or the launcher monitor "...progress of said
test system."

Allison describes a common information point in fig. 2, unit 17 , a test master

computer system that is physically separate and communicatively coupled to a

common information point in fig. 2, unit 17, a dispatcher or the launcher monitor

in fig. 2, unit 17, col. 12, lines 40-45. Allison describes the connection between

17 and 14 is implemented using the internet (col. 2, lines 65) and these

machines are remote (col. 6, lines 41).

I. As Regards to remarks page 8, lines 1-7:

Since Allison does not teach a common information point, Allison cannot
teach or suggest "querying said common information point to determine said status
information," as recited by Claim 1. The Office Action states "querying said common
information point to determine said status (fig. 3, 4)." Figures 3 and 4 are entire flow
charts. Figure 3 includes 12 steps and Figure 4 includes 14 steps, however, none
of these steps teach a common information point or querying a common information
point.

Allison describes a common information point in fig. 2, unit 17, querying

information point to determine status in col. 12, lines 40-45. where installer

knows when test machine finish test so next test list can be send.

J. As Regards to remarks page 8, lines 8-15:

Alllison teaches the possibility of installing an operating system to prepare for
testing software, executing the software to completion and then installing another
operating system to prepare for a different test. However, no where does Allison
teach "a software test running on a test system... automatically reinstalling an
operating system on said test system... resuming said software test after said
reinstallation of said operating system," (emphasis added) as recited by Claim 1.
Note that Claim 1 recites resuming the same software test after installing an
operating system rather than starting a different test.

Allison describes a software test running on a test system (abstract)..

automatically installing an operating system (col. 4, lines 55-56, abstract),

resuming software test (fig. 4, unit 58) after installation of operating system (col.

4, lines 55-56).

Allison does not describes reinstallation of operating system, Meyer describes

reinstallation of operating system (col. 5, lines 17-21), in order to avoid any

persistent abnormal condition of the target computer system (col. 5, lines 17-21).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Allison to have the reinstallation of operating

system taught by Meyer in order to avoid any persistent abnormal condition of

the target computer system.

K. As Regards to remarks page 8, lines 16-20:

> Therefore, independent Claim 1 should be patentable over Allison. For similar reasons, independent Claims 8 and 14 should be patentable over Allison. Claims 2-7 depend on Claim 1. Claims 9-13 depend on Claim 8. Claims 15-20 depend on Claim 14. Therefore, these dependent Claims should be patentable for at least the reasons that their respective independent Claims should be patentable.

The examiner noted the comment, since claim 1 is not patentable, same apply

for the dependency.

L. As Regards to remarks page 8-9, lines 17-4:

> These dependent claims recite additional limitations which further make them patentable. For example, Claims 5, 6, 18, and 19 refer to test portion(s). No where does Allison teach test portion(s) as recited by Claims 5, 6, 18 and 19. For Claim 5, the Office Action states, "Allison further describes identification of test completed (fig. 3, unit 36-39)." First this is a misquotation of Claim 5. Claim 5 recites "wherein said status information comprises an identification test portions completed." Second, steps 38-39 describe using packets "submit-job" packet and ACKS to schedule a job. Steps 38-39 say nothing about test portions. For Claim 6, the Office Action states, "Allison further describes resuming restarts points to last portion completed." Again this is a misquotation of a claim. Claim 6 recites "wherein said resuming restarts said software test at point subsequent to a last test portion completed." Steps 48-51 pertain to finding a test machine that is available and adding it to a list if its characteristics are suitable. Steps 48-51 say nothing about "a last test portion." Similarly, the Office Action misquotes Claims 18 and 19. Further, the portions of Allison cited against Claims 18 and 19 do not teach the embodiments recited by Claims 18 and 19.

regarding Allsion does not teach claims 5, 6, 18 and 19:

Regarding claim 5, Allison further describes identification of test portion

completed (fig. 3, unit 36-39);

Regarding claim 6, Allison further describes resuming restarts points said

software test at point subsequent to a least test portion completed (fig. 4, unit 48-

Regarding claim 18, Allison further describes status information portion of test

completed (fig. 4, unit 50-51, Col. 10-11, Lines 61-5).

Regarding claim 19, Allison further describes resuming restarts to last portion

completed (fig. 4, unit 50-51, Col. 10-11, Lines 61-5).

M. As Regards to remarks page 9, lines 5-9:

In yet another example, the Office Action asserts that Allison teaches "a
network file system mount point" as recited by Claim 12 at "fig. 2 unit 17, 1, using
network such as internet". As already described herein, Allison teaches
communication between his components using packets and TCP/IP over the
Internet, which teaches away from "a network file system mount point."

Regarding claim 12, Allison further describes discloses common point of

information is a network file system mount point common on all test system (fig.

2, unit 17, 1, using network such as internet). As teach away, please see the

above area regarding this topic.

N. As Regards to remarks page 9, lines 10-14:

The Office Action misquoted numerous claims. There are too many
misquotations of claims for Applicant to list. Applicant respectfully requests that the
Claims be quoted accurately in the future Office Actions. Further, there are many
other differences between various embodiments recited by the Claims and the cited
reference, which are too numerous for Applicant to list and discuss.

Reminds the applicant that a prior art reference anticipates the subject of a claim

when the reference discloses every feature of the claimed invention, either

explicitly or inherently (see Hazani v. U.S. Int'l Trade Com'n, 126 F.3d 1473,

1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital

Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385,388 (Fed. Cir. 1984));

however, the law of anticipation does not require that the reference teach what

the appellants are claiming, but only that the claims on appeal "read on"

something disclosed in the reference (see Kalman v. Kimberly-Clark Corp., 713

F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983). The examiner believes the

prior art read-on to all the limitation as claimed in the present invention.
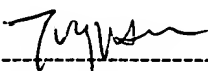

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Contact information

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tung S Lau whose telephone number is 571-272-

2274. The examiner can normally be reached on M-F 9-5:30. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor,

John Barlow can be reached on 571-272-2269. The fax phone numbers for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Tung S. Lau
AU 2863, Patent examiner
March 29, 2007